

MINUTES

The Tennessee State Board of Cosmetology held a meeting on November 3, 2008 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: Linda Colley, Vice Chairman, June Huckleby, Muriel Smith, Nina Coppinger, Janet Wormsley, and Judy Golden. H. D. Adcock, Chairman, Lee Bowles and Pearl Eva Walker were not present.

Other present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Vice-Chairman Linda Colley welcomed everyone to the board meeting.

Vice-Chairman Linda Colley called for roll call.

MINUTES

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to accept the August 4, 2008 board minutes. Motion carried unanimously.

The board received the minutes from the October 6, 2008 board meeting late, so they will vote on the minutes at the December meeting.

APPEAR BEFORE THE BOARD

Mr. Mwanji Vasser – Present. Mr. Vasser submitted an application for reciprocity of cosmetology license from the State of Wisconsin. The State of Wisconsin has dual license for barbering and cosmetology. Ms. Vasser completed the 4,000 hours apprenticeship program and passed the required examination. Ms. Vasser placed an application with the State of Tennessee Barber Board for master barber license, he appeared before the barber board and discussed the apprenticeship program with the board and he is present today to discuss the apprenticeship program with the cosmetology board.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request Mr. Vasser take the full cosmetology examination and pass to obtain a license in the State of Tennessee. Motion carried unanimously.

Ms. Marlena Faye Hollis – Present. Ms. Hollis requested to appear before the board today concerning her instructor status which was removed due to non attendance of the 2008 instructor seminar for the required 16 hours of continuing education. Ms. Hollis informed the board that she was not able to attend due to her pregnancy. Ms. Hollis states that her doctor advised her to not travel during her first and second trimester. Ms. Hollis stated that she did not understand when she needed to attend the seminars. The Board asked Ms. Hollis where she obtained her instructor training and she informed them

at Tennessee Technology Center at Paris. The board stated that she should be aware of the state law concerning continuing education for instructors.

MOTION was made by Ms. Judy Golden to request Ms. Hollis attend the 2009 and 2010 instructor seminars. Motion dismissed due to no second.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger to deny Ms. Hollis request and require she retake her instructor examination in order to obtain her Instructor status. Motion was carried unanimously with Ms. Judy Golden, Board Member opposing.

Mitzi Bishop, Nashville, TN – Present. Ms. Bishop was present at the meeting to inform the board members of DVD's she is now planning to sell. The DVD's will show people how to use over the counter products for highlighting hair. Ms. Bishop stated that the DVD's are not endorsing products only showing techniques. The board stated this does not fall under the cosmetology laws or rules. The board also stated they do not believe this will be an asset to the profession, but they have no say on this.

MOTION was by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley that it must state on the DVD's that this is not cosmetology board regulated, endorsed or approved by the Cosmetology Board. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for Wampler's School of Hair Design for a change of ownership was submitted to the office. Ms. Golden visited the school on October 8, 2008. Ms. Beverly Waller, Executive Director is asking for board approval.

Mr. Terrance Bond, Staff Attorney stated that the board member did not need to leave a grade when inspecting a school; he stated that the inspector would do this.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the change of ownership. Motion carried unanimously.

Ms. Rita Kindall requested an extension from the Board for non attendance of the 2008 cosmetology instructor seminar for the required sixteen (16) hours of continuing education due to medical reasons at the October board meeting. The board requested she submit physician statements. Physician operative report dated July 10, 2008 and operative report date August 14, 2008 for review.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to grant Ms. Kindall her extension and require she attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

Ms. Lisa Nave is requesting an extension from the 2008 cosmetology instructor seminar. She states in her detail letter the reason she did not attend was due to her father-in-law's illness.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to deny the request. Motion carried unanimously.

A response from Patrician White as to her not attending the required 2008 cosmetology instructor seminar and the removal of her instructor status was submitted. She stated she paid the money but was unable to make the class (no medical statement). She was under the impression she had until her license expired on December 2009 to obtain the required sixteen (16) hours of continuing education.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny Ms. White's request due to her having enough time to make arrangements to attend. Motion carried unanimously.

Lisa Rene' Thomas is requesting an extension from non-attendance of the 2008 cosmetology instructor seminar. She did not go to the seminar because she is not teaching at this time and did not have the money.

MOTION was made by Ms. Judy Golden and Ms. Nina Coppinger to deny the request. Motion carried unanimously.

Ms. Beverly Waller, Executive Director stated she received a letter from the stepmother of Michael Stegall explaining he did not attend the required cosmetology instructor seminar in 2007 and 2008 due to medical reasons, but no supporting medical documents were received.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley requesting Mr. Stegall to submit written documentation then the board will make a decision. Motion carried unanimously.

Vicki Stafford is requesting approval to receive credit for the instructor seminar she attended in 2008 when she was not a license cosmetology instructor. The school encouraged her to attend the seminar in July 2008 so all instructors would be on the same yearly schedule for the seminars. The school is asking she be allowed to attend the seminar in 2010 instead of 2009 as she would be required to do because she is now a license cosmetology instructor. She actually upgraded to a license cosmetology instructor September 16, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to deny her attending the 2008 instructor seminar due to her not being a licensed instructor. Motion carried unanimously.

An application for reciprocity of cosmetology license for Carolina Casteel from Florida was submitted to the office. Certification of licensing from the Florida State Board states 1,200 hours of instruction and initial date of licensing as May 1, 2008 but Ms. Casteel faxed Ms. Waller the certificate from the Department of Education Certificate of Achievement in the cosmetology vocational program she completed 1,550 hours in the cosmetology curriculum in the correctional facility.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to grant Ms. Casteel reciprocity of her cosmetology license. Motion carried unanimously.

An application for reciprocity of cosmetology license from Florida for Joan Ann Cochran was submitted to the office. Certification of licensing from the Florida State board states 1,200 hours of instruction in the cosmetology curriculum and initial date of licensing October 29, 1987 but no five year work history submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Cochran take the full cosmetology examination and pass to obtain a license in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Ohio for Nicole Cunningham was submitted. Certification from the Ohio State Board states "Hours and license from the state of FLORIDA. Ohio exam administered. Meaning she obtained her license in Ohio by taking the Ohio State Board examination. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Cunningham return to school for an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from California for Trissa Ho was submitted. Applicant holds a valid license issued by the California State Board which requires 400 hours of instruction and initial date of licensing as May 30, 2007. She has documentation she attended Visions Academy of Hair Dressing in Connecticut from January 5, 2008 to March 15, 2008. Documentation is "Affidavit of Hours". But she is not licensed in the State of Connecticut. Ms. Beverly Waller, Executive Director stated what the board usually does if the applicant is required to complete addition hours in a school to meet the requirement of hours in the curriculum in Tennessee, they must pass the state board examination once they have completed the hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Ms. Ho obtain an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for approval to take the cosmetology examination was presented to the board at the October meeting requesting approval of the high school education from

Iraq from Ms. Hadar Hassan Binary. The Board voted to request additional information. Ms. Binary came to the office and gave Ms. Waller the only document that she had which is the document in the boards packets with her picture which is in the Arabic language and she stated that is the document which is translated. That is the only document she has for proof of high school education.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request approve Ms. Binary to take the cosmetology examination. Motion carried unanimously.

An application for approval to take the manicurist examination in Tennessee from Chanthakone Phonhasackd was submitted. The board packets have an affidavit of hours from the State of Connecticut Department of Public Health which states she completed 600 hours in manicuring. The State of Connecticut does not have a separate manicuring license, they only have hair styling license which is a 1,500 hour curriculum.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Phonhasackd obtain 600 hours in the manicuring curriculum then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for approval to take the manicurist examination in Tennessee from Linh T. My Nguyen was submitted. She completed 600 hours of instruction in the manicurist curriculum at Lorinda Hair Care & Anthonio' Beauty School in Tacoma, Washington.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Nguyen to take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for approval to take the cosmetologist examination in Tennessee from Sonya Jean Newbille, who has completed 1,500 clocked hours at Northwestern Technical College was submitted. The Georgia State board does not certify student hours. They will only certify license. Transcript shows 64 credit hours and 1,500 clocked hours which would be 54 credit hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to approve Ms. Newbille take the cosmetology examination. Motion carried unanimously.

An application for approval to take the cosmetology examination in Tennessee from Shauntay Oggs who has a felony conviction was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Mr. Terrance Bond, Staff Attorney to write a letter to the school she attended and her probation officer requesting information on Ms. Oggs character and probation

status before the board approves Ms. Oggs to take the cosmetology examination. Motion carried unanimously.

A request for approval for Rabiva Rauf, student to enroll in cosmetology curriculum with a General Certificate of Education from Pakistan was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept the certificate to enroll in a cosmetology school. Motion carried unanimously.

A request for approval of diploma from Challenge Academy – Mississippi National Guard Youth Challenge School at Camp Shelby, Mississippi was submitted for Lyndsey Langston. Ms. Waller stated after researching she found this is a school or program for high risk students that cease to attend high school before graduation.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request more information on the accreditation of the school. Motion carried unanimously.

A request for clarification on requirements for eye brow threading was submitted. The board stated a license is required either cosmetologist or aesthetician. Eye brow threading cannot be performed in a Kiosk in a mall, must be performed in a salon. Kiosk in the mall cannot receive a shop license.

This item was tabled at the last meeting due to the absence of Pearl Walker who visited this location and took photos. This is the shop that is a Message Therapy Shop and she would like to put in skin care in the back of the shop but it cannot have a separate entrance because of no back door. She stated she is in a strip mall.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to table this until Ms. Pearl Walker is present at the meeting. Motion carried unanimously.

A request for extension from the 2008 cosmetology instructor continuing education seminar from Tammy Sharp due to illness of her mother. Physician statement is attached.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to grant Ms. Sharp her extension from the 2008 instructor seminar and require she attend 2009 and 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2008 cosmetology instructor continuing education seminar from Shundra Braxton due to financial difficulty.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to deny Ms. Braxton's request for an extension. Motion carried unanimously.

Misty Jo Davis was upgraded to a cosmetology instructor October 4, 2006 which meant she was not required to attend and obtain sixteen (16) hours of continuing education until 2007. She attended the 2006 continuing education seminar in Knoxville July 2006 when she was not a licensed cosmetology instructor and did not attend the required seminar in 2007 but attended the CEA in July 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to deny Ms. Davis her credit for the 2006 instructor seminar when she was not yet a licensed instructor. Motion carried unanimously.

An application for reciprocity of manicurist license for Pamela McCall from Louisiana was submitted. She states she completed an apprenticeship program of 300 hours in Alabama to obtain her original license. She has been license in Alabama, Virginia and Louisiana but was not able to provide proof of a recent and consistent five (5) year work history in manicuring.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. McCall obtain an additional 300 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Loretta Zielger from Florida was submitted. Certification states 1,200 hours of instruction and original date of license as April 23, 1999. No five (5) year work history provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Zielger obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for approval of the cosmetology examination from Irma Scalxot was submitted. Ms. Waller stated she needs board approval of the proof of high school education accepted by the cosmetology school she attended.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept proof of high school education for Ms. Scalxot to take her examination. Motion carried unanimously.

The board stated that a letter will need to be sent to the schools concerning proof of education from other countries.

An application for approval of the cosmetology examination for Carol Chilton who has a felony was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Mr. Terrance Bond, Staff Attorney request a letter from the school and Ms. Chilton's probation officer on her progress. Motion carried unanimously.

An application for approval of the cosmetology examination for Toni D. Williams was submitted. The transcript for proof of education is from a home school. She graduated May 16, 2003. Ms. Waller stated she needs board approval on this home school transcript.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the school transcript on Ms. Williams. Motion carried unanimously.

A notification from Vatterott Career College in Memphis to offer the instructor training program within the cosmetology program that they currently offer was sent to the office. They have attached the instructor training curriculum but Ms. Waller stated she will have to advise the school the last page 0440-1.11. Teacher Training Programs is referring to instructor continuing education seminars.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to approve the instructor training program at Vatterott Career College in Memphis.

A request from Virginia College located in Chattanooga, Tennessee for approval of continuing education classes provided by Pivot Point for cosmetology instructors to obtain the required sixteen (16) hours of continuing education. Ms. Waller stated attached in the boards packet is the introduction and agenda's for the board review. Seminars would be held November 11 & 12, 2008 and January 5 & 6, 2009.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to deny this request until the board receives more information. Motion carried unanimously.

An application for reciprocity of cosmetology instructor license from Angela Nolen was submitted. Ms. Nolen was previously licensed in Tennessee as a cosmetology instructor. Ms. Nolen's instructor status was removed due not attending the 2003 instructor seminar for the required sixteen (16) hours of continuing education. Also her license in Tennessee expired December 31, 2002. She obtained her cosmetology instructor license in Georgia June 18, 2003. She is now applied for reciprocity of her cosmetology instruction license back to Tennessee.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to grant reciprocity to Ms. Nolen for her cosmetology instructor license and request she attend the 2009 instructor seminar. Motion carried unanimously.

An application for the cosmetology examination from Michelle Williams who has a felony was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Mr. Terrance Bond, Staff Attorney to write a letter for more information concerning Ms. Williams. Motion carried unanimously.

The pass/fail statistical report for cosmetology examination from January 2008 to October 2008 was submitted in the packets for the board members review.

Consent orders totaled \$12,000.00.

Dalila's Salon
367 Harding place
Suite B
Nashville, TN 37211

Violation issued June 20, 2008
Pd \$2,000.00 on 10-16-08

5 Star Nails
1931 Decherd Blvd.
Decherd, TN 37324

Violation issued May 23, 2008
Pd \$2,000.00 on 10-2-08

Glamour Nails
536 Nashville Pike
Gallatin, TN 37066

Violation issued April 4, 2007
Pd \$2,500.00 on 10-20-2008

House of Style
803 North Charlotte Street
Dickson, TN 37055

Violation issued August 8, 2008
Pd \$500.00 on 10-20-2008

Images Salon
2510 Murfreesboro Road
Nashville, TN 37217

Violation issued August 14, 2008
Pd \$500.00 on 10-28-2008

Shear Elegance Salon
2150 Wilma Rudolph Blvd.
Suite 8
Clarksville, TN 37040

Violation issued August 13, 2008
Pd \$500.00 on 10-20-2008

Square Deal Nail Salon
128 Public Square
Lebanon, TN 37087

Violation issued August 19, 2008
Pd \$4,000.00 on 10/30/2008

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

NEW UNPRESENTED CASES:

1. L-08-COS-RBS-200802356-1

October 10, 2008 Notice of Violation reports that the inspector observed that the owner of Respondent shop had relocated her shop and was practicing cosmetology at the relocated shop without having filed an application for relocation and obtaining an initial inspection. An application for shop relocation is now pending.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

2. L-08-COS-RBS-200802359-1

October 3, 2008 Notice of Violation reports that the inspector observed that a wax machine was present in Respondent shop, which is licensed as a manicure-only shop.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$750.00 civil penalty.

3. L-08-COS-RBS-200802360-1

September 24, 2008 Notice of Violation reports that the inspector observed that an unlicensed individual was providing license-required service to a patron in Respondent shop.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

4. L-08-COS-RBS-200802361-1

September 23, 2008 Notice of Violation reports that the inspector observed a person inside Respondent shop post a sign indicating that a shop was "closed" upon noticing the approach of the inspector, although the inspector observed from the outside of the shop that the shop was open and operating. The inspector further observed that a dog was present in Respondent shop and that trash was present on the floor of Respondent shop, dirty towels were present and not properly stored, and various tools, brushes and combs

were not properly sanitized and stored. The inspector was not permitted access to Respondent shop after knocking on the front door.

Recommendation:

1) Authorize formal hearing with authority to settle by Consent Order and \$2,500.00 civil penalty.

2) Issue an ORDER demanding immediate removal of the dog from the shop.

5. L-08-COS-RBS-200802367-1 (LaVergne Nails)

October 7, 2008 Notice of Violation reports that the inspector observed an unlicensed individual performing license-required service on a patron in Respondent shop. The inspector further observed that a wax machine was present in Respondent shop, which is license as a manicure-only establishment.

Prior History

Violation issued 5-4-07 for unlicensed personnel, paid \$500.00.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

6. L-08-COS-RBS-200802368-1

October 7, 2008 Notice of Violation reports that the inspector observed an unlicensed individual performing license-required service on a patron in Respondent shop.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

7. L-08-COS-RBS-200802359-1

October 3, 2008 Notice of Violation reports that the inspector observed that a wax machine was present in Respondent shop, which is licensed as a manicure-only establishment.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$750.00 civil penalty.

8. L-08-COS-RBS-200802245-1

Individual complaint against the licensee school alleges a personal dispute between the individual and another licensee that allegedly resulting in the firing of the individual.

Recommendation: Close with no action.

9. L-08-COS-RBS-200800857-1

Consumer complaint alleges that the consumer was extremely dissatisfied with the service she received at Respondent shop and that she was treated rudely by the owner of Respondent shop when she attempted to address the situation with him. Consumer demands a refund of monies paid for the allegedly inferior service she received.

Recommendation: Close with no action.

10. L-08-COS-RBS-200801833-1

Consumer complaint alleges that she sustained hair loss due to a relaxer and style service performed by Respondent licensee upon the consumer's hair. Consumer states that when she addressed her concerns regarding the hair loss to the licensee, that he became rude and defensive. Licensee states that the consumer made him aware of the alleged hair loss approximately two weeks after receiving service, and that he advised her at that time to come back into the salon so that he could "perform in salon treatments" and determine what the cause of the hair loss might be. The licensee states that the consumer visited the shop again four weeks after he advised to come in for "in salon treatments" and a consultation regarding the hair loss.

Recommendation: Close with no action, but note the consumer's dispute on the licensee's file.

11. L-08-COS-RBS-200802244-1

October 3, 2008 Notice of Violation reports that the inspector observed that Respondent shop was operating without a cosmetology shop license. The owner of Respondent shop indicates that she was told by her previous employer that she would only need a business license to conduct business; she filed an application for a shop license on the same day that the Notice of Violation was issued.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$500.00.

12. L-08-COS-RBS-200802252-1

September 30, 2008 Notice of Violation reports that the inspector observed that two (2) individuals with fabricated licenses were performing license-required services in Respondent shop. One individual is actually licensed as a barber technician, and the other has no Tennessee state board-issued license of any kind.

No prior history indicated.

Recommendation:

1) Close with a letter of warning re: obligations of owner and manager of a licensed establishment (discuss).

2) Authorize formal hearing against the two individuals.

3) Notify the appropriate legal authority regarding the two individual's impersonations of licensed persons.

13. L-08-COS-RBS-200802253-1

October 1, 2008 Notice of Violation reports that the inspector observed that he found the owner of Respondent shop present in Respondent shop while her personal license was expired and had been expired since June 30, 2008. The owner's license is now current. The owner renewed her license on October 7, 2008.

No prior history indicated.

Recommendation: Close with a letter of warning re: timely renewal of licenses and notification of change of address.

14. L-08-COS-RBS-200802254-1

October 1, 2008 Notice of Violation reports that the inspector observed an individual was providing license-required service to a patron in Respondent shop while in possession of a license to practice cosmetology which had been expired since 1970 and is now invalid.

Prior history:

Notice of Violation issued 5/5/2000 regarding 62-4-112 and 0440-2-.03, paid \$300.00.

Recommendation:

1) Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

2) Issue an ORDER directing the owner of Respondent shop to CEASE and DESIST employing the individual.

15. L-08-COS-RBS-200802255-1

October 1, 2008 Notice of Violation reports that the inspector observed an unlicensed individual providing license-required service to a patron in Respondent shop. The inspector reports that when she discovered the unlicensed individual performing services, he exited the shop and another individual returned to the shop wearing the same shirt and identification that the unlicensed individual had been wearing when the inspector arrived at Respondent shop.

Prior History

Extensive, with most recent penalty of \$4,100.00 paid in 2001 for unlicensed conduct. Previously served a period of probation of 2 years beginning in 2001.

Recommendation: Authorize formal hearing with authority to conduct an informal conference prior to the filing of formal charges with the licensed owner of Respondent shop and one (1) board member, if the licensed owner should request such a conference.

AMENDMENT: Board voted to appoint Linda Colley to attend the informal conference.

16. L-08-COS-RBS-200802247-1

Consumer complaint alleges that the consumer experienced hair breakage and loss after receiving service from a stylist in Respondent shop. Consumer alleges further that her request for a refund was denied and that her concerns were not taken seriously. Respondent states that the consumer had hair breakage evident when she arrived for service at Respondent shop and that, at the time the service was provided, commented that she was satisfied with the service she had received. Respondent states that she was willing to extend a refund if the consumer was willing to appear at Respondent shop so that her hair could be examined, but the consumer failed to do so.

No Prior history indicated.

Recommendation: Close and note the consumer's dispute in the licensee file.

17. L-08-COS-RBS-200801453-1

Complaint alleges inadequate instruction at Respondent school. The student states that for several months after she begun matriculating at Respondent school that no instructor was available and that she did not attend classes due to the lack of instruction. Student states

further that much her knowledge has been acquired through self-teaching and that the current instructor does not provide adequate theory instruction and that the majority of her time spent at the school is spent performing services on clients at Respondent school.

Prior history:

Several prior complaints alleging lack of/inadequate instruction.

Recommendation: Informal conference.

AMENDMENT: The Board voted for Linda Colley to attend the conference.

OLD RE-PRESENTED CASES:

1. L-08-COS-RBS-200801762-1

Board originally voted to authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty regarding a Notice of Violation stating that the owner of Respondent shop was found operating a license-required establishment prior to obtaining the required inspection.

No prior history indicated.

New recommendation: Close with a letter of warning (discuss).

2. L-08-COS-RBS-200800849-1

Board originally voted to authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty regarding a Notice of Violation stating that the owner of Respondent shop refused to permit an inspector access to a portion of her shop.

No prior history indicated.

New Recommendation: Close with no further action (discuss).

3. L-08-COS-RBS-200801551-1

Board originally voted to authorize formal hearing with authority to settle by Consent Order and payment of \$5,000.00 civil penalty regarding a Notice of Violation stating that the owner of Respondent shop permitted five (5) unlicensed individuals to practice in her shop.

No prior history indicated.

New recommendation: Reduce the civil penalty amount to \$2,500.00 and maintain authority for formal hearing. (discuss)

AMENDMENT: Impose a 2-year probationary period on the shop license.

4. L-05-COS-RBS-200500982-1

The Board originally voted in 2005 to authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty regarding a Notice of Violation stating that the inspector found that the owner of Respondent shop was providing license-required services in an unlicensed facility. A shop license application is now pending for Respondent shop, and the owner of Respondent shop is now licensed.

Recommendation: Approve shop license application and close the previous complaint. Impose 2-year probationary period upon both the shop license and the owner's personal license.

5. L-05-COS-RBS-200500976-1

The Board originally voted in 2005 to authorize formal hearing with authority to settle by Consent Order and payment of a \$250.00 civil penalty regarding a Notice of Violation (issued March 24, 2005) stating that the inspector found that the owner of Respondent shop operated her shop while the license for such shop was expired. The shop license is now current and no new Notices of Violation have been issued since the 2005 Notice. Records indicate that the shop owner has timely completed the last two renewals of her shop license.

Recommendation: Close with no further action.

6. L-05-COS-RBS-200502144-1

The Board originally voted in 2005 to authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty regarding a Notice of Violation (issued December 3, 2004) stating that the inspector found the owner of Respondent shop operating the shop while the shop's license was expired. The license roster indicates that the shop name has been changed and the shop is under new ownership.

Recommendation: Close with no further action.

7. L-05-COS-RBS-200501774-1

The Board originally voted in 2005 to authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty regarding a Notice of Violation stating that the inspector found that Respondent shop was operating while the license for such shop was expired. The shop is currently under new ownership and its license is current.

Recommendation: Close with no further action.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the recommendations with the amendments. Motion carried unanimously.

OTHER BUSINESS

Ms. Judy Golden discussed her concerns with Skin Care Shops. The board asked if Mr. Terrance Bond, Staff Attorney would take to the medical board concerning medical aestheticians

Ms. Muriel Smith informed the board of the passing of former board member, Phoebe Pratt.

The board was informed of the increase in mileage.

MOTION was made by Ms. Janet Wormsley and seconded by Ms. Muriel Smith to adjourn the meeting. Motion carried unanimously.